

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TIMOTHY KENNEDY

Plaintiff

Index No. 07 cv 10622 (NRB)(DFE)

ECF Case

-against-

THE CITY OF NEW YORK;
N.Y.P.D. OFFICER JUAN RODRIGUEZ
badge 10703;
N.Y.P.D. OFFICER JEFFREY HUNOLD
badge 8378;
N.Y.P.D. SGT. JOSEPH PERAGALLO, 20th
pct.
N.Y.P.D. OFFICERS DOE ONE - FIVE, not
yet identified.

Defendants

PLAINTIFF'S FIRST
INTERROGATORIES AND
REQUEST FOR DOCUMENTS

PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure the undersigned requests on behalf of plaintiff that on or before the first working day following thirty days from the date of this Request, at The Law Office of Ronald L. Kuby, 119 W. 23st., Suite 900, New York, NY 10011, defendants provide responses to the interrogatories below, and produce the documentary materials identified below for inspection and copying, or, in the alternative, true and clear copies thereof. Unless otherwise indicated, the materials requested shall include, but not be limited to, any and all records, reports, forms, investigative material, correspondence, logs, rosters, schedules, memoranda, video and audio tapes and/or other forms of electronic image and sound recording, x-rays and other diagnostic films, photographs drawings, computer files, and the like, in defendants' possession.

INTERROGATORIES

Identify:

1. All New York City employees not previously identified who responded to, assisted in any way, and/or were present at any stage of the incident.
2. The hospital personnel, if known, to whom defendant police officers transferred custody of plaintiff on the date of the incident.
3. All eye witnesses to any stage of the incident not previously identified by plaintiff to defendants.
4. All persons who called 911 or other sources of assistance in relation to the incident, if any.

REQUEST FOR PRODUCTION

Produce to the extent not previously produced:

1. Any and all documents and audio visual material relating to incident and/or to plaintiff in defendants' possession or control.
2. Memo book entries of all defendant police officers.
3. Memo book entries of all police officers who were present at any stage of the incident.
4. All documents and audio visual material concerning the incident, plaintiff, and/or defendants generated in any investigation of the incident conducted by City of New York or its agents.
5. Any and all NYPD records, notes, memoranda, documents, logs, reports, forms, and audio visual material describing any aspect of the incident.
6. All 911 tapes, radio run tapes, and any other kind of recording,

communications systems records, and any materials, printouts, and documents or the written counterparts of these tapes and materials concerning the incident.

7. All recordings and documents resulting from the ambulance request allegedly made by defendant police officers at the date and time of the incident.

8. All documents, including but not limited to, summonses, desk appearance tickets, arrest worksheets, and the like, made in anticipation of subjecting plaintiff to the jurisdiction of any court, whether or not served or executed, related to the subject incident.

9. All statements of any member of the NYPD regarding the incident not previously produced.

10. Plaintiff's medical records obtained by defendants using a release provided by plaintiff, other than those supplied to defendants by plaintiff.

11. Other records pertaining to plaintiff obtained by defendants using an authorization or waiver provided to defendants by plaintiff.

12. For *in camera* inspection by the Court, any and all documents that comprise or are part of the personnel file, including the disciplinary record, the Confidential Personnel Index ("CPI"), and any other documents concerning the hiring, training, duties, performance, assignments, and mental and physical condition of each and every NYPD employee named as a defendant in this action.

NEW YORK, NEW YORK
April 1, 2008

/s/
George Wachtel [GW5921]
Law Office of Ronald L. Kuby
119 West 23st., Suite 900
New York, NY 10011

(212) 529-0223

TO:
New York City Law Dept.
ATTN: Robyn Pullio, Esq.